

Report Date: April 19, 2017

United States District Court

for the

Eastern District of Washington

Petition for Warrant or Summons for Offender Under Supervision

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
APR 19 2017
SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

Name of Offender: Ronnie T. Simms

Case Number: 0980 2:14CR00021-RMP-7

Address of Offender: [REDACTED] Spokane, Washington 99207

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, U.S. District Judge

Date of Original Sentence: April 21, 2015

Original Offense: Distribution of Oxycodone Hydrochloride, 21 U.S.C. § 841(a)(1), (b)(1)(C)

Original Sentence: Prison - 10 months;
TSR - 3 years

Type of Supervision: Supervised Release

Amended Sentence: Prison - 264 Days;
(May 27, 2015) TSR - 3 years

Asst. U.S. Attorney: Russell E. Smoot

Date Supervision Commenced: May 28, 2015

Defense Attorney: Federal Defender's Office

Date Supervision Expires: May 27, 2018

PETITIONING THE COURT

To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
-------------------------	--------------------------------

1	<u>Mandatory Condition # 4:</u> The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court.
---	--

Supporting Evidence: On May 29, 2015, Mr. Ronnie Simms signed his conditions relative to case number 2:14CR00021-RMP-7, indicating that he understood all conditions as ordered by the Court. Specifically, Mr. Simms was made aware by his U.S. probation officer that he was required to refrain from the use of illegal controlled substances. Mr. Simms was informed that based on his history of drug use and his conditions as ordered by the Court, he would be referred to random urinalysis testing at Alcohol Drug Education Prevention and Treatment (ADEPT). The process and the client's expectations related to the random testing were explained to the client and he indicated that he understood.

On March 24, 2017, the undersigned officer received notification from ADEPT that on March 23, 2017, the client reported to the provider for random testing as required, at which

Re: Simms, Ronnie T

April 19, 2017

Page 2

time the client provided a urinalysis sample that was presumptive positive for cocaine and marijuana.

On April 3, 2017, the undersigned officer received notification from Alere Toxicology that the urinalysis sample submitted by the client at ADEPT on March 23, 2017, had been confirmed positive for cocaine metabolite and marijuana metabolite. On April 5, 2017, Mr. Simms reported to U.S. Probation as directed by the undersigned officer and admitted to using both cocaine and marijuana on or about March 22, 2017, indicating that he had continued to struggle after the recent passing of his brother.

On April 10, 2017, the U.S. Probation Office in Spokane received notification from ADEPT that the client had failed to attend a random urinalysis appointment, previously scheduled with the provider for April 7, 2017. Mr. Simms was contacted and indicated that they generally did not test on Fridays, and admitted to not calling in as required.

On April 11, 2017, Mr. Simms reported to U.S. Probation as directed and provided a urinalysis sample for testing that was again presumptive positive for cocaine. Mr. Simms indicated that the sample was likely residual from his previous admitted use on or about March 22, 2017, citing his limited kidney function and his participation in kidney dialysis as exacerbating factors delaying the product from fully leaving his system. Mr. Simms was informed that based on the time frames that the behavior would be reported to the Court and he indicated that he understood. On April 17, 2017, the undersigned officer received notification from Alere Toxicology that the urinalysis sample submitted by the client at the U.S. Probation Office on April 11, 2017, was confirmed as being positive for cocaine metabolite.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the offender to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

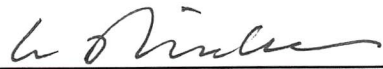
Executed on: April 19, 2017

s/Chris Heinen

Chris Heinen
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Warrant
☒ The Issuance of a Summons


Signature of Judicial Officer

4/19/17
Date